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COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Denver, Colorado 80222-1530 4210 E. 11th Avenue Phone (303) 692-2000

Laboratory Building Denver, Colorado 80220-3716 (303) 691-4700

December 15, 1992

Mr. David Sell c/o McMichael, Benedict & Multz

1580 Lincoln, Suite 900 Denver, CO 80203

RE:

Proposed Petition for Civil Penalty Rico Development Corporation CDPS Permit No. CO-0029793 Dolores County, Colorado

Dear Mr. Sell:

The Water Quality Control Division has considered Rico Development Corporation's ("Rico Development") offer of \$5,000 in settlement of the Notice of Violation and Cease and Desist Order issued to Rico Development May 18, 1990 for violations of the Clean Water Act. The Division has determined that your offer is inconsistant with penalties imposed for similar violations and as such the Division is unable to accept your offer.

Please be advised that the Water Quality Control Division intends to file a petition seeking a civil penalty for these violations prususant to 25-8-608, C.R.S. (1989 Repl. Vol. 11A and 1992 Supp.). The amount of the penalty will be equal to the original calculated penalty which was presented to you in our meeting on September 3, 1991. After this civil penalty petition is filed, Rico Corporation may appeal the amount before the Water Quality Control Commission.

5.00

Please contact me at 692-3590 if you have any questions in this matter.

Sincerely,

Patricia A. Nelson, P.E.

Industrial Unit Leader

Permits and Enforcement Section

WATER QUALITY CONTROL DIVISION

cc:

Anne Ihlenfeldt, WQCD

Jim Horn, Field Support Section, WQCD

Linda Preslin, AGO

MS-3



Roy Romer Covernor

Patricia A. Nolan, MD, MPH Executive Director

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CRAND JUNCTION OFFICE SENTINEL SQUARE BUILDING G34 MAIN STREET. SUITE 100 CRAND JUNCTION. CO 81501 (303) 241-3111

OF COUNSEL WILLIAM F. GRAF

TRANSMITTAL MEMORANDUM

via () Fax (//) First-clas	ss mail () Federal Express
TO: Mayne	
FROM: Dane	
FAX NO.: <u>From</u> (303) 837-8977	<u>To</u>
DATE: 12/29/92	
RE: Rico	
TRANSMITTED HEREWITH PLEASE FIND:	
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